

INITIAL STATEMENT OF REASONS “CONDITIONS OF PAROLE”

California Code of Regulations, Title 15, §§ 2510, 2511, 2512 and 2513

CONDITIONS OF PAROLE

RN 06-01

CIRCUMSTANCES THAT THESE REGULATORY AMENDMENTS ARE INTENDED TO ADDRESS

Government Code § 12838.4 vests the Board of Parole Hearings with all the powers, duties, responsibilities, obligations, liabilities, and jurisdiction of the Board of Prison Terms, Narcotic Addict Evaluation Authority, and Youthful Offender Parole Board, which no longer exist.

Penal Code § 3052 vests with the Board the authority to establish and enforce rules and regulations under which prisoners committed to state prisons may be allowed to go upon parole outside of prison when eligible for parole.

Penal Code § 5076.2 authorizes the Board to promulgate, maintain, publish, and make available to the general public a compendium of its rules and regulations.

The federal courts in *Armstrong v. Schwarzenegger (Armstrong II)*, United States District Court, Northern District of California, Case No. C94-2307 CW, and *Valdivia v. Schwarzenegger*, United States District Court, Eastern District of California, Case No. CIV S94-0671 LKK GGH issued orders that the Board develop and implement policies and procedures that accommodate and effectively communicate with prisoners and parolees with disabilities at all parole proceedings, including parole revocation proceedings. Notice of the conditions of parole is the first step in the parole process that might lead to parole revocation proceedings. This regulatory action is necessary to amend the regulations of the Board to comply with the *Armstrong* and *Valdivia* orders requiring use of effective communication in parole proceedings including revocation.

NECESSITY FOR THE PROPOSED AMENDMENTS

Section 2510. General.

A reference to Government Code § 12838.4 (added by Stats. 2005, Ch 10) was added to the authority section of the regulation.

Section 2511. Notice of Parole.

This section currently describes the contents of the notice of parole that prisoners and inmates receive prior to their release on parole.

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These amendments translate the existing notice of parole into simple English thus ensuring that prisoners and parolees have adequate notice of their conditions of parole. This satisfies the equal access mandated by the federal courts in the *Armstrong* and *Valdivia* cases and provides due process of law required by the 14th Amendment to the United States Constitution. Additionally, some provisions were moved to § 2512. The Notice of Certificate of Rehabilitation has been removed as unnecessary for inclusion in the regulations. The Department uses a separate process to provide this notification to parolees. A reference to Government Code § 12838.4 (added by Stats. 2005, Ch 10) was added to the authority section of the regulation.

Section 2512. General Conditions of Parole.

This section currently describes the general conditions of parole contained in the notice of parole that prisoners and inmates receive prior to their release on parole.

These amendments translate the notice of parole into simple English thus ensuring that prisoners and parolees have adequate notice of their conditions of parole. This satisfies equal access mandated by the federal courts in the *Armstrong* and *Valdivia* cases and provides due process of law. A reference to Government Code § 12838.4 (added by Stats. 2005, Ch 10) was added to the authority section of the regulation.

Section 2513. Special Conditions of Parole.

This section currently describes the special conditions of parole contained in the notice of parole.

These amendments translate the notice of parole into simple English thus ensuring that prisoners and parolees have adequate notice of their conditions of parole. This satisfies equal access mandated by the federal courts in the *Armstrong* and *Valdivia* cases and provides due process of law. A reference to Government Code § 12838.4 (added by Stats. 2005, Ch 10) was added to the authority section of the regulation.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

The Board did not rely on any technical, theoretical, or empirical studies in consideration of the proposed action.

ALTERNATIVES TO THE REGULATION CONSIDERED BY THE AGENCY

The Board must determine that no reasonable alternative considered would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. While the Board currently trains staff in methods of effective communication, translating the written notice into standardized simple English will provide improvements not available using other methods except at increased costs.

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ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

The subject of this regulatory action has a direct effect on prisoners and parolees. Any impact on small business would be indirect and likely insignificant. The Board has not identified any alternatives that would lessen any adverse impact on small businesses.